

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
E/S Brick Store Road, 340 ft.  
SE of Upper Beckleysville Rd.  
18719 Brick Store Road  
5th Election District  
3rd Councilmanic District  
George R. Kibbe, et ux  
Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 94-10-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by George R. Kibbe and Cynthia A. Kibbe for that property known as 18719 Brick Store Road in the northern section of Baltimore County. The Petitioners herein seek a variance from Sections 1A01.3.B.3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 18 ft., in lieu of the permitted 15 ft. height; and a variance to permit a 20 ft. setback from the street centerline and 7 ft. to the property line, in lieu of the required 75 ft. and 35 ft., respectively. All as more particularly described on Petitioners' Exhibit No. 1A, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The Zoning Plans Advisory Committee (ZAC) has forwarded a comment from the Department of Public Works, Development Plan Review, dated July 23, 1993 objecting to the ultimate encroachment of the right-of-way for Brick Store Road. However, since that comment was received, the Petitioners have revised and resubmitted their site plan, marked as Petitioners' Exhibit No. 1A.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of August, 1993 that the Petition for a Zoning Variance from Sections 1A01.3.B.3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 18 ft., in lieu of the permitted 15 ft. height, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a 20 ft. setback from the street centerline and 7 ft. to the property line, in lieu of the required 75 ft. and 35 ft., respectively, all in accordance with Petitioners' Exhibit No. 1A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no service garage work performed within the detached garage structure, or on the subject property, at any time.

LES:mmm

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 4, 1993

Mr. and Mrs. George R. Kibbe  
18719 Brick Store Road  
Hampstead, Maryland 21074

RE: Petition for Administrative Variance  
Case No. 94-10-A  
Property: 18719 Brick Store Road

Dear Mr. and Mrs. Kibbe:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3371.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.

ORDER RECEIVED FOR FILING  
Date 8/4/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/4/93  
By [Signature]

-2-

-3-



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 18719 Brick Store Road

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A03 3.B.3, 400.3

To allow an accessory structure with a height of 18ft to be setback 20ft from the street centerline and 7ft to the property line in lieu of the permitted 15ft height and 75ft setback respectively.

I would like to construct a detached two story garage on my property, measuring 24 feet wide by 26 feet long and 18 feet in height. The zoning regulations for the RC-2 zone require that a principal structure be located at least 75 feet from the centerline of any street and at least 35 feet from any other lot line. Because of the configuration of my property, it is not possible to construct the proposed garage and conform to the zoning setback requirements.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Legal Owner(s):

George R. Kibbe

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Cynthia A. Kibbe

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip Code

18719 Brick Store Road 374-1207

Hampstead, MD. 21074

George Kibbe

18719 Brick Store Road 374-1207

Hampstead, MD. 21074

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, Inc., that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: [Signature] DATE: 7-9-93

ESTIMATED POSTING DATE: 7/26

ITEM #: 15

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 18719 Brick Store Road  
Hampstead, Maryland 21074

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance as set forth above: (person knowledge or practical difficulty)

I would like to construct a detached two story garage on my property, measuring 24 feet wide by 26 feet long and 18 feet high. Because of the configuration of my property, it is not possible to construct the proposed garage and conform to the setback requirements of Section 1A01.3B3 of the County Zoning Ordinance. The location of the garage which I am proposing preserves a play area for my children near the house, and provides adequate sight distance for safe ingress and egress to my property, without obstructing the sight distance from any adjoining properties.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

George R. Kibbe  
Cynthia A. Kibbe

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George R. Kibbe and Cynthia A. Kibbe

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

June 14, 1993

NOTARY PUBLIC

Carla L. Gibson

Commission Expires November 1, 1996

## LEON A. PODOLAK AND ASSOCIATES SURVEYING AND CIVIL ENGINEERING

65 EAST MAIN STREET, P.O. BOX 266  
WESTMINSTER, MARYLAND 21157  
TELEPHONES: WESTMINSTER 848-2229 BALTIMORE 878-1226

ZONING DESCRIPTION FOR 18719 Brick Store Road

Election District No. 5 Councilmanic District No. 3

340' North to the intersection of Upper Beckleysville Road.

BEGINNING for the same at a stone standing at the end of the North 8 degrees East 58 perches (957 feet) line of a deed of conveyance from Samuel Fair and others to Eliza Fowble dated the 25th day of April in the year 1875; and running thence binding on said line reversely South 9-1/4 degrees West 26 perches (429 feet) to a stone on the East bank of the County Road; thence binding on the County Road the two following courses, North 29 degrees West 10 perches (165 feet) to the western side of the said road; thence North 2 degrees West 16.6 perches (273.90 feet) to intersect the second line of the aforesaid deed from Samuel Fair and others; thence binding reversely on the said line, North 89-3/4 degrees East 9 perches (148.50 feet) to the first place of beginning.

The improvements thereon being known as No. 18719 Brick Store Road.

Containing 0.953 acres (41,513 square feet) of land.

As recorded in Deed Liber 6806, Folio 584, October 5, 1984.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 504 Date of Posting: 7/19/92  
Posted for: Variance  
Petitioner: George R. Cynthia Kibbe  
Location of property: 18719 Brick Store Rd. 340' S of Upper  
Beckleysville Rd.  
Location of Sign: Along the street, on property bet. zones 1  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 7/23/92  
Number of Signs: 1



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4150

Date 7-9-93

Item Number 15

George R. Kibbe (owner)  
Site: 18719 Brick Store Rd.

#000 - Variance (admn) 550.00  
080 - Sign & posting 35.00  
\$ 85.00

Cashier Validation

Please Make Checks Payable To: Baltimore County



111 West Chesapeake Avenue  
Towson, MD 21204

July 26, 1993

(410) 887-3353

Mr. and Mrs. George R. Kibbe  
18719 Brick Store Road  
Hampstead MD 21074

RE: Item No. 15, Case No. 94-10-A  
Petitioner: George R. Kibbe, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Kibbe:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 9, 1993, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: July 26, 1993  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 23, 1993  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review  
RE: Zoning Advisory Committee Meeting  
for July 26, 1993  
Item No. 15

The Development Plan Review Section has reviewed the subject zoning item. This building must be relocated. The building as shown encroaches into the ultimate right-of-way for Brick Store Road, which is 60 feet.

RWD:s



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 15 (JJS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for Bob Small*  
John Contestable, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 22, 1993  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 13 and 15.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Cary L. Kears*

PK/JL:lw

ZAC.15/ZAC1

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Zoning Advisory Committee DATE: July 16, 1993  
FROM: Captain Jerry Pfeifer  
SUBJECT: July 26, 1993 Meeting

- #8 No Comments
- #9 No Comments
- #11 No Comments
- #12 Buildings shall comply with the 1991 Life Safety Code.  
Fire hydrant locations need to be shown.
- #13 Building shall comply with the 1991 Life Safety Code.
- #14 No Comments
- #15 No Comments 94-10-A 92
- #16 No Comments

RECEIVED  
JUL 28 1993

ZADM

*Helene Kehring*

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 15, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: George R. Kibbe and Cynthia A. Kibbe  
18719 Brick Store Road  
Hampstead, Maryland 21074

Re: CASE NUMBER: 94-10-A (Item 15)  
18719 Brick Store Road  
1/8 Brick Store Road, 340' SE of Upper Backleyville Road  
5th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before July 18, 1993. The closing date (August 2, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Arnold Jablon*  
Arnold Jablon  
Director

*20's file*  
I, FREDERICK J. SWAIN, owner of the property  
located at 18715 BRICK STORE RD 21074 in Baltimore County  
and adjacent to 18719 Brickstore Road, also in Baltimore County, support  
the application for variance requested by George & Cynthia Kibbe.

*Frederick J. Swain*  
(signature)



Alma L. Blaylock  
(signature)

I am writing in regards to Mr. Kibbe's property. It has come to my attention that he would like to build a pole-type barn at his residence. I have no objection to such a structure, I can see no reason this would present any problems to our community. Please be advised that I have no complaint to any zoning that becomes necessary for this project.

Sincerely,  
Thomas William Matheroff

PS This concerns the residence at  
18719 Buckstone Rd in Hempstead

**ALBANSTOWN INN,**  
18720 Brick Store Rd.  
HAMPSTEAD, MD 21074

